

REMARKS

Applicants thankfully acknowledge the exchange of courtesies occurred during the telephonic interview held between the undersigned attorney and the Examiner and his supervisor on April 6, 2010.

The rejections have been considered at length. However, for the reason set forth below it is submitted that the claims would not have been rendered obvious by the combination of the cited references. Claims 1-19 are pending and have been examined on the merits. Claims 1, 15 and 16 have been amended hereinabove and claims 2-4 have been cancelled. The limitations of claim 4 have been incorporated into claim 1. No new matter has been added.

In the Office Action, the claims are rejected as follows:

1. Claims 15-19 are rejected to under 37 C.F.R. § 112, ¶ 2 for allegedly being indefinite; and
2. Claims 1-19 are rejected under 35 U.S.C. § 103(a) as being obvious over Bromberg et al. (U.S. Patent Application Publication No. 20030152623, hereinafter “Bromberg”) in view of Blum et al. (U.S. Patent No. 6,294,591, hereinafter “Blum”), Giammona et al. (*Biochimica et Biophysica Acta*, 1999, hereinafter “Giammona”) and Cavazza (U.S. Patent No. 6,013,670, hereinafter “Cavazza”).

Applicants respectfully traverse.

Rejection under 37 C.F.R. § 112, ¶ 2

Claims 15 and 16 are amended hereinabove to recite active steps as required under common U.S. practice. Accordingly, Applicants respectfully submit that the amendment to the claims render the rejection under 37 C.F.R. § 112, ¶ 2 moot and its withdrawal is respectfully

requested.

Rejection under 37 C.F.R. § 103(a)

The presently claimed invention is directed to anionic hydrogel matrixes obtained by chemical reticulation by means of irradiation of copolymers containing photoreticulable groups, wherein the photoreticulable groups are derived from the insertion of glycidyl methacrylate (GMA) and methacrylic anhydride (MA) in the side chain of PHEA in the presence of acid comonomers (*e.g.*, page , lines 15-23).

Bromberg does not disclose Applicants' invention. As admitted on page 8 of this Final Office Action, Bromberg does not provide for PHEA polymers derivatised by insertion of GMA or MA in the presence of acid comonomers. As such, Bromberg does not disclose, teach or even suggest the presently claimed invention.

Blum does not add anything to the deficiencies of Bromberg. Blum is directed to processes for preparing radiation crosslinkable polymers suitable for coatings, paints, adhesives etc (*e.g.*, col. 1, lines 6-11 and examples 1-3).

Further, Blum teaches a radiation-crosslinkable, polymeric (meth)acrylates having different substituents (*e.g.*, col. 1, lines 53-56). It also teaches that the reactive side groups of the (meth)acrylate copolymers are isocyanate groups, hydroxyl groups etc and that these groups have been introduced by copolymerization with appropriate monomers (*e.g.*, col. 2, lines 22-29). Thus, Blum teaches back bone polymers of (meth)acrylates with different substituents. On the other hand, the presently claimed invention is directed to polymers derived from the insertion of glycidyl methacrylate and methacrylic anhydride in the side chain of PHEA. It should be noted that Blum is completely silent with regard of PHEA. Thus, Blum does not teach all of the claimed limitations and thus, the combination of Bromberg with Blum would not have rendered

obvious the claimed subject matter to one skilled in the art.

Further, the problem addressed by Blum is a process to prepare a coating composition with elasticity and improved adhesion (*e.g.*, col. 3, lines 52-62). Accordingly, Blum is not an “analogous prior art” as defined in the MPEP 2141.01(a) and it is not a reference reasonably pertinent to applicants’ endeavor because logically it does not commend itself to an inventor’s attention in considering his or her invention as a whole. MPEP 2141.01(a).

In other words, one skilled in the art would not look at the teachings of Blum to prepare the presently claimed anionic hydrogel matrix. On the contrary, Blum teaches away from the presently claimed invention since a drug cannot be formulated with a hard, glossy and solvent-resistant coating. Thus, as set forth above, the combination of Bromberg with Blum would not have rendered obvious the claimed subject matter.

Giammona discloses the synthesis and characterization of new biodegradable hydrogels (*e.g.*, Abstract at page 29). However, Giammona is completely silent with regard to acid comonomers and methacrylic anhydride (“MA”). Accordingly, the combination of Bromberg with Blum and Giammona still would not have rendered obvious the claimed subject matter in that it does not teach, disclose or even suggest all of the claimed limitations.

Cavazza is irrelevant with regard to the presently claimed anionic hydrogel matrix. Cavazza only provides for the treatment of chronic inflammatory bowel diseases with lower alkanoyl L-carnitines (*e.g.*, col. 1, lines 6-10). As such the combination of Bromberg with Blum, Giammona and Cavazza does not disclose all of the claimed limitations and therefore would not have rendered obvious the claimed subject matter to one skilled in the art.

Thus, withdrawal of the rejections of the claims under 35 U.S.C. § 103(a) for allegedly being obvious is respectfully requested.

This response is being filed within shortened statutory period for response. Thus, no further fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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